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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,064	01/28/2004	Rob Greenberg	200313989-2	2303

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EXAMINER	
KENDALL, CHUCK O	

ART UNIT	PAPER NUMBER
2192	

NOTIFICATION DATE	DELIVERY MODE
03/20/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/766,064	GREENBERG ET AL.	
	Examiner	Art Unit	
	CHUCK O. KENDALL	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 January 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Detailed Action

1. This action is in response to Application filed 01/01/09.

2. Claims 1 – 28 are still pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1 – 2, 4 –14, 20, 21,25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maxwell et al. US 6,567,860 B1 in view of Killerbrew et al. USPN 5,577,244 and further in view of Fontanesi et al. US 6,6681,323.

Regarding claims 1, 20 and 25, Maxwell discloses a method of displaying a vendor provided information screen in response to a log in experience, said method comprising:

providing a screen driver to the OS during the installation (6:5 – 30);

displaying the information screen (6:5 – 30).

Maxwell doesn't expressly disclose executing the screen driver upon initiation of the log in experience, said executing the screen driver further comprising:

maintaining visibility of the information screen over subsequently generated display screens until occurrence of a predetermined event; and completing the log in experience.

However, Killebrew discloses in an analogous art and similar configuration

"...the update program is invoked from a driver program contained in the operating system which facilitates the display of all of the screen panels, the monitoring of the keyboard 22 and the installation of the plurality of separately installable features or components of the software program..."

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Maxwell and Killebrew, because it would enables and interactive experience with the user during updating as suggested by Killebrew.

Although Maxwell and Killebrew doesn't expressly disclose initiating installation of an (operating system OS) and completing installation of the OS, he does teach an answer file which is implemented during an OS installation 4:1 – 10, also see FIG.3 and all associated text.

However, Fontanesi in an analogous art and similar configuration discloses the installation of an operating system which may or may not include the device drivers (3:50 – 55), which he further discloses in 1:47 – 55, has been known in the art to require user transaction to provide such drivers. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Maxwel land Killebrew with Fontanesi because, it would make the installation process of the Operating System more interactive.

Regarding claims 2 and 21, the method of Claim 1 wherein said providing a screen driver further comprises storing the screen driver with other drivers to be retrieved by the OS during the installation of the OS (Maxwell, 4:1 – 10).

Regarding claim 4, the method of Claim 2 wherein the screen driver is stored on and retrieved from an external storage medium (FIG.1, see 211).

Regarding claims 5, 22, and 27 the method Claim 2 wherein said executing the screen driver further comprises:

retrieving one or more screen data files representative of the information screen (Maxwell, 6:5 – 30); and

retrieving a screen program, the screen program comprising a process for displaying the information screen based on the data files and a process for maintaining the information screen on top of any other subsequently generated display screens until the predetermined event is detected (Maxwell, 6:5 – 30).

Regarding claim 6, the method of Claim 5 wherein said executing the screen driver further comprises setting up the retrieved screen program to run at the very end of a particular phase of the log in experience (Maxwell,6:5 – 30).

Regarding claim 7, the method of Claim 5 where in said executing the screen driver further comprises setting up the retrieved screen program to execute only once (Maxwell, 6:5 – 30).

Regarding claim 8, the method of Claim 5 wherein said executing the screen driver further comprises setting up the retrieved program to execute only in response to a first log in experience (Maxwell, 6:5 – 30).

Regarding claim 9, the method of Claim 5 wherein said executing the screen driver further comprises setting up the retrieved program to execute in response to a plurality of log in experiences (Maxwell, 6:5 – 30).

Regarding claim 10, the method of Claim 5 wherein the process for displaying instantiates a browser program for displaying the information

screen based on the screen data files comprise (Killerbrew, 3:20 – 25, see screen panels).

Regarding claim 11, the method of Claim 10 wherein the process for maintaining alters display window attributes of the browser (Killerbrew, 3:10 – 30).

Regarding claim 12, the method of Claim 10 wherein the information screen comprises hypertext links to one or more additional information screens define by the screen data files (Killerbrew, 3:10 – 50).

Regarding claim 13, the method of Claim 1 wherein the predetermined event is the generation of a particular display window by the OS after completion of the log in experience (Killerbrew, 3:10 – 50).

Regarding claim 14, the method of Claim 5 wherein the OS is a version of Microsoft Windows having a registry (Maxwell, 5:43 – 54, see registry); and

wherein the method further comprises modifying the registry to execute the retrieved screen file (Maxwell, 5:43 – 54, see registry and supported device by the OS, also see device drivers).

Regarding claims 23 and 28, the computer program product of Claim 22 wherein the OS is a version of Microsoft Windows, said program instructions further for modifying the registry to execute the retrieved screen file (5:45 – 55).

5. Claims 3, 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maxwell et al. US 6,567,860 B1 in view of Killerbrew et al. USPN 5,577,244 in view of Fontanesi et al. US 6,6681,323 as applied in claim 2 and further in view of Zeryck et al. USPN 6,832,379.

Regarding claim 3, 21 and 26, Maxwell as modified discloses all the claimed limitation as applied in claim 2 above. The combination of Maxwell, Killerbrew and Fontanesi doesn't expressly disclose wherein the screen driver is stored in and retrieved from a (VID). However, Zeryck in an analogous art and similar configuration of configure device drivers discloses in 5:40 – 55, Virtual storage disks which he later refers to as LU and defines as on or more disks which are logically connected and further discloses that ensure continued operation incase of a failure. Therefore it would have been

obvious to one of ordinary skill in the art at the time the invention was made to combine Maxwell as modified with Killerbrew and Fontanesi and Zerck because, it would enable protecting the system in the event of any breakdowns or crashes.

7. Claims 15 – 19, 24 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maxwell et al. US 6,567,860 B1 in view of Killerbrew et al. USPN 5,577,244 in view of Fontanesi et al. US 6,6681,323 as applied in claim 14 and further in view of USPN 6,934,956 B1.

Regarding claim 15, Maxwell as modified discloses all the claimed limitations as applied in claim 14. The combination of Maxwell, Killerbrew and Fontanesi doesn't disclose wherein the retrieved screen program is a batch file comprising the process for displaying the process for maintaining and wherein the batch file is executed under an entry of the registry that runs its programs once. However, Allen discloses in an analogous art and similar configuration discloses batch files associated with the registry (6:30 – 35). Therefore it would have been obvious to one of ordinary skill in the art

at the time the invention was made to combine Maxwell, Killerbrew, Fontanesi and Allen because, it would enable the computer to be able to execute a series of files.

Regarding claim 16, the method of Claim 14 wherein the retrieved screen program is a batch file comprising the process for displaying and the process for maintaining (Allen, 10:45 – 55); and

wherein the batch file is executed under an entry of the registry that runs its programs sequentially (Allen, 6:30 – 35).

Regarding claims 17, 24, and 29 the method of Claim 14 wherein the retrieved screen program is a batch file comprising the process for displaying and the process for maintaining (Allen, 6:30 – 35); and

wherein the batch file is executed under an entry of the registry identified as HKEY-LOCALMACHINE\Software\Windows\Current Version\RunOnceEX (7:30 – 40, shows importing registry values).

Regarding claim 18, the method of Claim 14 wherein:

the retrieved screen program is a batch file comprising the process for displaying and the process for maintaining (Allen, 6:30 – 35);

the batch file is executed to initiate the process of displaying and the process of maintaining (Allen, 6:30 – 35);

the log in experience is completed when execution of the batch file is completed (4:45 – 65); and

the process for displaying remains extant until closed by the user (4:45 – 65).

Regarding claim 19, the method of Claim 14 wherein:

the retrieved screen program is a batch file comprising the process for displaying and the process for maintaining (Allen, 6:30 – 35);

the batch file is executed to initiate the process of displaying and the process of maintaining(Allen, 6:30 – 35);

the log in experience is completion when execution of the batch file is completed (Allen, 6:30 – 35); and

the process for maintaining remains extant until occurrence of a predetermined event (Allen, 6:30 – 35).

Response to Arguments

8. Applicant's arguments with respect to claims 1 – 28 have been considered but are persuasive.

Applicant argues on page 8 of his response 01/09/08, that the prior art of record doesn't disclose or teach maintaining visibility of the display screens until occurrence of a predetermined event occurs.

Examiner disagrees on 3:55 – 60, Prior art of record, Killerbrew discloses a Visible panel function which maintains visibility of the displayed window, and in 4:1 – 10, A RETURN CODE parameter is also present which indicates whether windows are still displayed or finished displaying.

Correspondence information

9.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number

is 571-272-3698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Chuck O Kendall/

Primary Examiner, Art Unit 2192